



# Indianapolis Metropolitan Police Department

## GENERAL ORDER

### 7.5

## UTT AND WARNING TICKET PROCEDURES

### POLICY

The obligation of ensuring public safety in this community is multi-faceted and traffic stops are a vital part of the responsibilities of law enforcement officers. In addition to deterring traffic violations, they provide police visibility and may deter more serious crimes. It is the policy of the Indianapolis Metropolitan Police Department (IMPD) to actively enforce motor vehicle laws, patrol in a proactive manner, and aggressively investigate suspicious persons. A citizen will only be stopped or detained when there is reasonable suspicion to believe that the individual has committed, is committing, or is about to commit a crime, infraction, or an ordinance violation. The detention, interdiction, or other disparate treatment of persons based solely on race, ethnicity, age, gender, or sexual orientation will not be tolerated.

Officers have discretion, in some cases, to issue an Information and Summons in lieu of making outright arrests. When doing so, officers should consider whether the defendant is a resident of Marion County or an adjoining county, has identification that can be verified and checked for warrants, and whether the subject has a serious criminal history. Officers are permitted to utilize a warning ticket in lieu of a Uniform Traffic Ticket (UTT; also called a citation) on minor traffic violations (infractions).

### DEFINITIONS

Equipment Violations – Those violations involving malfunctioning equipment; could be hazardous or non-hazardous

Hazardous Violations – Those violations involving the improper movement of a motor vehicle, or equipment that is so deficient it poses an articulable hazard

Non-hazardous Violations – Those violations involving the licensing and proper registration of operators and vehicles

### PROCEDURE

#### I. Traffic Misdemeanors

- A. In accordance with General Order 1.12 – *Use of Discretion*, officers' discretion to choose an appropriate enforcement action is explicitly recognized. State law mandates the use of the ticket as a summons in lieu of an outright arrest in all traffic misdemeanors except the following:
  1. When the person demands an immediate appearance before a court;
  2. When the person is charged with an offense causing or contributing to an accident resulting in injury or death to any person;
  3. When the person is charged with OWI;



4. When the person is charged with failure to stop in the event of an accident causing death, personal injury, or damage to property;
5. When the person refuses to give his written promise to appear in court for a misdemeanor violation; or
6. When the person is charged with the Class A misdemeanor of driving with a suspended or revoked license. The person should be charged with the Class A misdemeanor charge of Driving While Suspended:
  - a. If the current suspension was the result of a conviction for a crime, either misdemeanor or felony; or
  - b. If within 10 years of the current offense, the person had a prior unrelated conviction for driving while suspended, and now is knowingly and intentionally driving while suspended again.

#### B. Traffic Summons Procedures

1. For non-custodial traffic misdemeanors, if the violator refuses to provide adequate identification, he may be arrested for the Class C misdemeanor "Refusal of Detainee to Provide Identity."
2. The violator must sign the court copy of the UTT and, if possible, the violator's thumb print should also be used.
3. The UTT shall then be forwarded to the prosecutor's office.
4. An incident report (including the probable cause and witness information) must be made on all misdemeanors for which a ticket was issued as a summons.
5. For hand-written tickets, the summons box must be checked and the ticket, bearing the violator's signature and thumbprint, will be forwarded to the prosecutor's office.
6. For eCWS tickets, the Information and Summons, bearing the violator's signature and thumbprint, will be forwarded to the prosecutor's office.

#### C. UTT and Outright Arrest Procedures

1. A hand-written ticket issued with an outright arrest must be forwarded to the prosecutor's office.
2. An eCWS ticket issued with an outright arrest must list any applicable criminal charges.

## II. State Infractions/ Local Ordinance Violations

#### A. For state infractions or local ordinance violations, the following apply:

1. Only a ticket may be used for citing infractions.
2. An outright arrest may never be made for state infractions or local ordinance violations.
3. If the violator refuses to provide adequate identification (name, address, and date of birth or a valid driver's license), the officer may arrest the subject for a Class C misdemeanor "Refusal of Detainee to Provide Identity."



B. Uniform Enforcement – Specific Violators

1. *Juvenile Offenders* – Juvenile traffic violators will be cited or warned and released as any other violator. Officers shall refer to General Order 1.17 – *Juvenile Arrest Procedures* for guidance on the custodial arrest of a juvenile.
2. *Non-Resident Offenders* – Non-resident violators shall be handled as any other traffic violator.
3. *Elected Officials* – Although state and federal legislators shall be immune from arrest while going to, returning from, and attendance at sessions of their respective houses, they are still subject to traffic laws and may be issued citations, at the officer's discretion.
4. *Military Personnel* – Military personnel who have committed a traffic violation shall be handled as any other traffic violator.
5. *Foreign Diplomats/Consular Officials* – The privileges and immunities afforded foreign diplomats and consular officials (see General Order 1.13 – *Foreign Nationals and Diplomatic Immunity*) do not apply to the issuance of a traffic citation. However, officers shall exercise good judgment in deciding to issue a citation to a foreign diplomat or consular official.

C. Uniform Enforcement – Specific Infractions

1. *Speed Enforcement* – Officers shall rely upon their good judgment and use of discretion in citing violators whose speed exceeds the speed limit.
2. *Other Hazardous Violations* – Officers shall rely upon their good judgment and use of discretion in citing violators whose driving behavior poses a risk to other motorists.
3. *Off-Road Vehicle Violations* – Officers shall take appropriate enforcement action, in accordance with their good judgment and use of discretion, in citing violators operating off-road recreational vehicles (i.e., snowmobiles, dirt bikes, ATV's, mini-bikes).
4. *Equipment violations* – Officers shall rely upon their good judgment and use of discretion in citing motorists whose vehicles have defective equipment. If the equipment poses an immediate danger, the officer shall consider removing it from the roadway and/or towing it as an unsafe vehicle.
5. *Public carrier/commercial vehicle violations* – Officers shall rely upon their good judgment and use of discretion in citing violators of public carrier and commercial vehicle ordinances and statutes.
6. *Multiple violations*
  - a. *Hazardous violations* – Appropriate enforcement of multiple hazardous violations may include the issuance of more than one citation.
  - b. *Non-Hazardous violations* – Officers are encouraged to issue one citation in the case of multiple, related non-hazardous or equipment violations, particularly when one citation will procure compliance (i.e., violator has a broken brake light and tail light from an accident).



7. Newly enacted laws – Officers are encouraged to issue warnings for a period of fourteen (14) days after a new statute or ordinance becomes effective, unless otherwise provided in the statute or ordinance.
8. Violations resulting in traffic accidents – Officers are encouraged to cite violators whose violation(s) caused or contributed to a traffic accident, particularly when injury to any person results.
9. Pedestrian and bicycle violations – Officers shall rely upon their good judgment and use of discretion in citing bicyclists and pedestrians for state statute and city ordinance violations.

### **III. Hand-written Ticket Procedures**

- A. All provided spaces where information is available should be completed accurately and legibly using black ink.
- B. The officer must ensure the violator's copy of the ticket is legible prior to its issuance.
- C. When the violator is not arrested or is arrested on a warrant:
  1. The hard bottom copy of the ticket, along with the envelope, will be issued to the offender;
  2. The white copy must be turned in by the end of the officer's next shift, in accordance with the district's or branch's common procedure; and
  3. The gold and/or pink copy of the ticket shall be retained by the officer for at least twelve (12) months from issuance.
- D. When the violator is arrested on a companion outright charge:
  1. The white copy shall be forwarded to the prosecutor's office before the end of the shift.
  2. The gold copy is retained by the officer.

### **IV. eCWS Ticket Procedures**

- A. All tickets in eCWS originate in the Dashboard. Information can be entered manually or by scanning a driver's license or vehicle registration. Officers shall thoroughly and accurately complete all sections of the ticket, including:
  1. Offender;
  2. Vehicle;
  3. Offenses;
  4. Court;
    - a. Marion Violations Bureau Court shall be selected as the Court Name for all traffic UTTs.
    - b. For a citation, officers must note in the Court Date Option that "Offender must contact the court within 60 days."
    - c. For a summons arrest, officers shall select "Court will contact offender."
  5. Notes/Comments; and
  6. Witnesses



- B. Complete Ticket – Only after all information is properly entered may the ticket be completed and printed.

1. Officers must print the Violator Copy and provide it to the violator.
2. For a summons arrest, officers shall also print the Information and Summons. After obtaining the offender's signature and thumbprint on the Information and Summons, the officer shall forward it to the prosecutor's office.

## **V. Voiding of Tickets**

- A. Tickets may be voided for the following reasons:
1. The officer made a written error on the ticket;
  2. The officer determines he made a judgment error in writing the ticket;
  3. The officer receives an important run before completing the ticket; or
  4. The ticket is lost, stolen, or damaged.
- B. In eCWS, officers have ninety-six (96) hours to edit an issued citation; it is the officer's responsibility when demoting or deleting an offense to notify the violator of the change.
- C. For hand-written tickets, or for an eCWS ticket after ninety-six (96) hours, officers shall contact the traffic court prosecutor to void a citation. The prosecutor retains the discretion of whether to grant a request to void a citation.

## **VI. Warning Tickets**

- A. Officers who choose not to cite traffic violators may issue either a verbal or written warning. Officers are encouraged to issue written warnings when practical, because the eCWS offender and vehicle information is stored in the reporting system database and may be useful in future investigations.
- B. Warning tickets may also be used for minor violations concerning pedestrians, motorcycles, mopeds, bicycles, and snowmobiles.
- C. Handling and Processing – Hand Written Warning Tickets
1. The hard copy is given to the violator at the time of the violation or placed on the vehicle as appropriate.
  2. The green copy is retained by the officer. Any unusual circumstances or activities surrounding the traffic stop may be noted on the back of the officer's copy.
  3. The gold copy is sent to the branch or district office through the chain-of-command.
- D. Handling and Processing – eCWS Warning Tickets
1. Officers will complete the above described eCWS Ticket Procedures when issuing a written warning in eCWS, except under the Offense tab officers shall select Add Warning.
  2. Officers must print the Violator Copy and provide it to the violator.



## VII. Parking and Non-Traffic Ordinance Violations

Only handwritten paper tickets may be issued for parking and non-traffic ordinance violations

- A. The hard bottom copy of the ticket, along with the envelope, will be issued to the offender or left in a clearly visible location on the offending vehicle.
- B. The top copy shall be turned in by the end of the officer's shift, in accordance with the district's or branch's common procedure.
- C. The carbon copy of the ticket is retained by the officer.

**NOTE**

Parking and non-traffic ordinance violations can be prepaid within seven (7) days. Accordingly, officers must turn in the top copy promptly, as described above.